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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,706	12/06/2000	Hidetoshi Fukuoka	M1989-8	7997

7278 7590 04/17/2003

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EXAMINER
SNIDER, THERESA T

ART UNIT	PAPER NUMBER
1744	

DATE MAILED: 04/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

LN

Office Action Summary	Application No.	Applicant(s)	
	09/730,706	FUKUOKA ET AL.	
	Examiner	Art Unit	
	Theresa T. Snider	1744	

-- Th MAILING DATE of this communication app ars on th cov r sheet with th correspondence addr ss --

Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-5,7 and 8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-5 and 7-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Applicant is advised that should claim 3 be found allowable, claim 5 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-5 and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 7, lines 5, 9 and 10,'hollow' should be inserted after 'inner';

Lines 6, 10 and 11, 'hollow' should be inserted after 'outer'.

Claim 8, lines 3 and 4 'hollow' should be inserted after 'outer';

Line 6, 'extension' should be inserted after 'elongated';

Line 6, 'said flexible hose' lacks proper antecedent basis;

Line 10, it is unclear as to which hose 'said hose' refers;

Line 10, 'said pipe' lacks proper antecedent basis.

Claim 3, it is unclear as to whether the limitation is similar to that of claim 8, line 11 or one in the same. It is further unclear as to which element that has been claimed to construct the vacuum cleaner is 'adapted'.

Claim 5, it is unclear as to whether the limitation is similar to that of claim 8, line 11 or one in the same. It is further unclear as to which element that has been claimed to construct the vacuum cleaner is 'adapted'.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over CA977910 in view of Tapp.

CA977910 discloses a similar vacuum cleaner however fails to disclose an agitator motor.

CA977910 discloses an elongated hose device having an inner hollow hose disposed within an outer hollow hose (fig. 1, #2).

CA977910 discloses means connected to the hose device for connecting the inner hose with the suction inlet of the fan and the outer hose to the exhaust of the fan (fig. 1, #7,5).

CA977910 discloses an elongated extension pipe having a hollow inner pipe disposed within a hollow outer pipe, the pipes connecting to the respective hoses (fig. 1, #3,9).

CA977910 discloses a floor suction tool connected to the pipe (fig. 1, #4, fig. 2a, #15-17).

CA977910 discloses a vacuum cleaner body containing a motorized fan (fig. 1, #1, claim 1, preamble).

CA977910 discloses the hose connected to the body (fig. 1, #2).

CA977910 discloses the extension pipe connected to the hose (fig. 1, #3).

CA977910 discloses the floor suction tool connected to the pipe (fig, 1, #4).

CA977910 discloses a rotation brush in the tool (fig. 2a, #11).

Tapp discloses a vacuum cleaner having a motor in the suction tool for rotating the brush (fig. 4, #35). It would have been obvious to one of ordinary skill in the art to provide the motor of Tapp in CA977910 to allow for continually rotation of the brush for the moat effective agitation.

CA977910 discloses an air circulation exhaust path from the body to the tool (page 1, lines 15-16, page 3, lines 17-24).

CA977910 discloses the air circulation exhaust path including an air filter (page 1, lines 5-6).

6. Claims 3, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over CA977910 in view of Tapp as applied to claim 8 above, and further in view of GB2292882.

CA977910 discloses a similar vacuum cleaner however fails to disclose directing of the exhaust onto the brush.

With respect to claim 8, GB2292882 discloses a vacuum cleaner that directs exhaust air onto a rotating brush(page 2). It would have been obvious to one of ordinary skill in the art to provide the exhaust direction of GB2292882 in CA977910 in view of Tapp to allow for the most

effective suctioning of dirt from a surface. Tapp discloses electric lines from the body to the motor, passing along the air circulation exhaust path(col. 3, lines 47-49, fig. 4, #39,38).

With respect to claims 3-5, GB2292882 discloses the cleaner being constructed such that exhaust air is directed to the rotation brush to augment rotation thereof (fig. 2, #6,5,4).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over CA977910 in view of Tapp in view of GB2292882 as applied to claim 8 above, and further in view of CA972510.

CA977910 in view of Tapp and GB2292882 disclose a similar vacuum cleaner however fails to disclose a pivoting pipe.

CA972510 discloses a vacuum cleaner having an exhaust path which uses a pivoting pipe (page 6, lines 7-10). It would have been obvious to one of ordinary skill in the art to provide the pivoting pipe of CA972510 in CA977970 in view of Tapp and GB2292882to allow for ease in maneuvering the toll to various locations. It further would have been obvious to one of ordinary skill in the art to ensure for pivoting in CA977910 in view of Tapp, GB2292882 and CA972510 that would not cause the motor wires to be disconnected during use.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto in view of Tapp.

Takemoto discloses a similar vacuum cleaner however fails to disclose a rotation brush and motor.

Takemoto discloses an elongated hose device having an inner hollow hose disposed within an outer hollow hose (figs. 15-16, #233,234).

Takemoto discloses means connected to the hose device for connecting the inner hose with the suction inlet of the fan and the outer hose to the exhaust of the fan (fig. 16, #21a,33,29).

Takemoto discloses an elongated extension pipe having a hollow inner pipe disposed within a hollow outer pipe, the pipes connecting to the respective hoses (fig. 16, #62,63).

Takemoto discloses a floor suction tool connected to the pipe (fig. 16, #24,36,37).

Takemoto discloses a vacuum cleaner body containing a motorized fan (fig. 7, #28).

Takemoto discloses the flexible hose connected to the body (fig. 6, #21,20).

Takemoto discloses the extension pipe connected to the hose (fig. 6, #23,21).

Takemoto discloses the floor suction tool connected to the pipe (fig, 6, #34,23).

Tapp discloses a recirculating vacuum cleaner having a rotary brush and its motor in the suction tool for rotating the brush (fig. 4, #35). It would have been obvious to one of ordinary skill in the art to provide the brush and motor of Tapp in Takemoto to allow for continually rotation of the brush for the most effective agitation.

Takemoto discloses an air circulation exhaust path from the body to the tool (abstract).

Takemoto discloses the air circulation exhaust path including an air filter (fig. 7, #27).

9. Claims 3, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto in view of Tapp as applied to claim 8 above, and further in view of GB2292882.

Takemoto in view of Tapp discloses a similar vacuum cleaner however fails to disclose directing of the exhaust onto the brush.

With respect to claim 8, GB2292882 discloses a vacuum cleaner that directs exhaust air onto a rotating brush(page 2). It would have been obvious to one of ordinary skill in the art to

provide the exhaust direction of GB2292882 in Takemoto in view of Tapp to allow for the most effective suctioning of dirt from a surface. Tapp discloses electric lines from the body to the motor, passing along the air circulation exhaust path(col. 3, lines 47-49, fig. 4, #39,38).

With respect to claims 3-5, GB2292882 discloses the cleaner being constructed such that exhaust air is directed to the rotation brush to augment rotation thereof (fig. 2, #6,5,4).

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto in view of Tapp in view of GB2292882 as applied to claim 8 above, and further in view of CA972510.

Takemoto in view of Tapp and GB2292882 disclose a similar vacuum cleaner however fails to disclose a pivoting pipe.

CA972510 discloses a vacuum cleaner having an exhaust path which uses a pivoting pipe (page 6, lines 7-10). It would have been obvious to one of ordinary skill in the art to provide the pivoting pipe of CA972510 in Takemoto in view of Tapp and GB2292882to allow for ease in maneuvering the toll to various locations. It further would have been obvious to one of ordinary skill in the art to ensure for pivoting in Takemoto in view of Tapp, GB2292882 and CA972510 that would not cause the motor wires to be disconnected during use.

Response to Arguments

11. Applicant's arguments with respect to claims 3-5 and 7 have been considered but are moot in view of the new ground(s) of rejection.

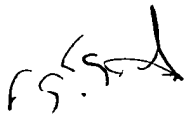
Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kato et al. discloses a recirculation vacuum cleaner having a rotary brush with its own motor in the suction tool.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 879-9310 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Theresa T. Snider
Examiner
Art Unit 1744

TTS
April 16, 2003